
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael G. Martinek et al.

Attorney Docket No.: IGT1P369/SH00052-001

Application No.: 09/520,405

Examiner: Frank M. Leiva

Filed: March 8, 2000

Group: 3717

Title: COMPUTERIZED GAMING SYSTEM,
METHOD AND APPARATUS

Confirmation No.: 1300

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 4, 2012.

Signed: /Michelle Heymann/
Michelle Heymann

REQUEST FOR DISCOUNTED NOTICE OF APPEAL FEE

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Appeal and Pre-Appeal Brief Request for Review are being filed concurrently with this Request. Appellants previously filed a Notice of Appeal in conjunction with a Pre-Appeal Brief Request for Review on December 22, 2010, and paid the \$540.00 fee associated with the Notice of Appeal. **Because a final Board decision did not issue in association with the Notice of Appeal filed December 22, 2010, Appellants hereby request that the \$540.00 fee from the earlier Notice of Appeal be credited to the fee due for the present Notice of Appeal.**

The Notice of Appeal and Pre-Appeal Brief Request for Review filed on December 22, 2010, resulted in a Notice of Panel Decision from Pre-Appeal Brief Review, which was mailed on January 28, 2011, directing that the matter should proceed to the Board of Patent Appeals and Interferences. In response to this Pre-Appeal Review Panel decision, Appellants filed a Request for Continued Examination with claim amendments on April 28, 2011. The Examiner issued a Non-Final Office Action on June 6, 2011, to which Appellants responded on September 6, 2011. In response to Appellants' September 6, 2011, amendment, the Examiner issued a Final Office Action on January 4, 2012. As such, the Notice of Appeal filed on December 22, 2010, did not result in a final decision being issued by the Board of Patent Appeals and Interferences.

The current Notice of Appeal and Pre-Appeal Brief Request for Review filed concurrently with this request are in response to the Final Office Action mailed January 4, 2012.

Appellants respectfully submit that they should not have to pay the full amount of \$620.00 for this second Notice of Appeal because Appellants paid \$540.00 for the Notice of Appeal filed on December 22, 2010, and a final Board decision stemming from the December 22, 2010, Notice of Appeal has not issued. See M.P.E.P §1207.04. Appellants note that the fee for a Notice of Appeal has increased by \$80.00 since the December 22, 2010, Notice of Appeal filing. As such, only an \$80.00 fee is due for the current Notice of Appeal when the \$540.00 credit is taken into account.

The Director is hereby authorized to charge the \$80.00 increase of fee for the Notice of Appeal to Deposit Account 504480 (Order No. IGT1P369/SH00052-001), and to consider this a petition therefor. If any additional fees are required in association with this Notice of Appeal, the Director is hereby authorized to charge them to Deposit Account 504480 (Order No. IGT1P369/SH00052-001), and to consider this a petition therefor.

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP
/William J. Egan, III/
William J. Egan, III
Reg. No. 28,411